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Refugee Reports

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U.S. ORDERLY DEPARTURE PROGRAM: STALLED OR SHIFTING GEARS?

One year ago, on January 1, 1986, the Vietnamese government suspended further interviewing for the Orderly Departure Program (ODP), disrupting the six-year-old initiative that has provided a safe and legal avenue for more than 115,000 Vietnamese refugees and immigrants to leave their country. The suspension of interviewing for the U.S. program coincided with restrictions in processing for many of the other 40 countries involved in ODP.

Since that time, U.S. and Vietnamese officials have met at least twice under the auspices of the UN High Commissioner for Refugees (UNHCR) in an effort to get the program back on track. Talks were held in Hanoi in late August, and again in Geneva in November. Although both governments continue to express commitment to continue ODP, interviewing of Vietnamese who have applied to come to the United States remains at a standstill.

"The Vietnamese government was forced to suspend the interviewing" until the United States moved "to resolve expeditiously" a backlog of 22,000 cases that had built up, a high-ranking Vietnamese official said in an interview in the Bangkok Nation. The government had released these people for exit, they had been interviewed by U.S. staff working on assignment to the UNHCR in Ho Chi Minh City, but they had not yet been accepted or rejected by the United States.

U.S. officials, while critical of Vietnam's unilateral action, have been working on the backlog. From January to December 1986, about 11,000 people have departed Vietnam en route to the United States via ODP. Roughly 2,000 people have been rejected. The backlog is now down to about 9,000.

"We're over the hump. The backlog has been resolved as far as we're concerned," one State Department official told Refugee Reports. At the current rate of departures--about 250 people per week according to the State Department--the backlog will be gone by October. The official said that the U.S. program needed a backlog of 3,000 to 4,000 in order to maintain a regular flow of about 1,000 departures per month.

"We will consider the backlog resolved when it

IN THIS ISSUE:

After a year-long suspension of interviewing for the Orderly Departure Program, this issue examines the future of safe and organized Vietnamese emigration.....1

- Update.....5
- Recent Developments

Administration requests large cuts in FY 88 refugee program budgets; Khao I Dang camp closes; Afghan refugees face increased pressures; INS proposes to make certain groups ineligible for refugee admission who could be admitted as immigrants; Education Department seeks wider options for alternatives to bilingual instruction; First Cubans paroled from Oakdale.....7

- Projects and Programs

Radio Corporation of America trains refugees in office skills.....13

- Meetings and Conferences
- Resources.....14
- Statistics

Orderly departures from Vietnam.....16

HOW THE ORDERLY DEPARTURE PROGRAM WORKS

Interest Expressed: A person in the U.S. or in Vietnam contacts the ODP office at the American Embassy in Bangkok, or a voluntary agency in the U.S., expressing interest in the ODP. The ODP office requests an immigrant visa petition from the relative in the U.S. or information concerning the applicant's association with the U.S.

Documentation: Upon receipt of an approved immigrant visa petition (I-130) or of evidence of close past ties with the U.S., the ODP office in Bangkok opens a file and requests the documents required to complete the application. When the ODP is satisfied with the documentation submitted, it then adds the name of the applicant to the list of names of those preliminarily approved for entry to the U.S. That list is forwarded periodically to the Vietnamese authorities through the UNHCR representatives. The ODP office simultaneously issues a Letter of Introduction for use by the individual in Vietnam to obtain an exit permit, although this has often not been required by the Vietnamese authorities.

Exit Permit: After the Vietnamese authorities issue an exit permit (which may take months or years from the time of the initial request), they may then arrange for the applicant to be interviewed by UNHCR interviewers in Ho Chi Minh City (which may easily be another 18 months, or longer, after issuance of the exit permit).

Medical Exam: During the week following the UNHCR interview, the applicant undergoes a medical examination at Cho Ray Medical Center.

ODP Office Review: The UNHCR interview file, along with the results of the medical exam, is then forwarded to ODP Bangkok for final review and approval. (Final approval may take several months, depending on the existing backlog and/or whether or not more documentation is required.)

UNHCR Role: Upon final approval, the name of the applicant is telexed to the UNHCR for submission to the Vietnamese authorities for manifesting on the earliest possible flight out of Vietnam.

U.S. Government Exit Interview: Immediately prior to departure, an exit interview is conducted by a U.S. consular officer at the Tan Son Nhat Airport in Ho Chi Minh City.

Transportation: Travel, food, and lodging are provided by the Intergovernmental Committee for Migration (ICM) under the terms of an agreement with the Bureau. (However, all ODP applicants are required to repay the transportation cost to voluntary agencies who work with ICM on loan collections.)

Training/U.S. Arrival: The individual transits Bangkok for a brief period (not to exceed 12 days) and continues traveling either to the U.S. or, if qualified, first to Bataan for ESL/CO (English-as-a-second-language/cultural orientation) at the Philippine Refugee Processing Center, then on to the United States.

Source: U.S. ODP Office/American Embassy, Bangkok

U.S. ODP Departures from Vietnam: Immigrants and Refugees

Calendar Year	Immigrants	Refugees	Immigrant % of Total
1981	1,191	1,069	52.7%
1982	964	2,827	25.4%
1983	1,909	6,257	23.4%
1984	3,823	9,590	28.5%
1985	3,840	9,528	28.7%
1986	4,026	6,981	36.6%
Total	15,753	36,252	30.3%

Source: Joint Voluntary Agency/ODP, Bangkok

reaches zero," Nguyen Dang Quang, first secretary of the Vietnamese mission to the UN, told Refugee Reports. "When that is resolved we will continue the program, and continue to grant exit permits for those who wish to go abroad for family reunification." Quang said that, as of December 1985, there were about 80,000 people in Vietnam who had been granted exit permits to leave the country. About 60,000 of them wanted to go to the United States, he said. The backlog of interviewed cases comprised slightly more than one-third of this group of 60,000.

State Department officials contend that, since the outset of the program in 1980, the Vietnamese have been willing to grant large numbers of exit permits to people who are not of high priority to the United States, while denying permits to those who are.

Groups identified to be of high priority to the State Department include reeducation camp political prisoners, Amerasian children and their families, former U.S. government employees, and persons with approved immigration visa petitions to the United States.

Under current ODP program guidelines, Vietnamese with approved immigrant visa petitions enter the country as immigrants. The other groups of high priority would enter the United States as refugees.

Also entering as refugees, though of less priority to the State Department, are individuals seeking to reunite with their families but who are currently ineligible for immigrant visas. These individuals comprise the group known as refugee family reunification cases, and they make up a large percentage of the more than 50,000 people who have entered the United States via ODP since 1980.

USCC Issues Report on ODP According to a recent report on ODP prepared by Migration and Refugee Services of the U.S. Catholic Conference (USCC), policy changes that were proposed and partially implemented by the State Department in the past year point toward the increased use of immigrant visas as the primary and perhaps only means of family reunification via ODP. Ultimately, refugee numbers in the ODP program may be preserved exclusively for cases of higher priority than family reunification.

The FY 87 admissions ceiling for refugees entering the United States via ODP is 8,500. Immigrant numbers are not counted against this ceiling.

The report was endorsed and published by InterAction, an association of U.S. private and voluntary agencies. It notes that on January 10, 1986, the U.S. ODP program placed a "virtual embargo" on refugee family reunification. Lists of family reunification cases in the backlog that had been approved were not sent to Vietnam for movement to the United States. Several months later, U.S.-based anchor relatives of these cases were instructed to file immigrant visa petitions for their family members in Vietnam. It seemed for a time that refugee family reunification was being abandoned.

Movement of refugee family reunification cases did resume in July or August of 1986, according to the report, but the number of ODP refugees who departed Vietnam in 1986 was down significantly from the previous two years (see chart).

State Department officials declined to comment specifically on the report. One official told Refugee Reports, "It would be premature to say there would be no refugee family reunification in the future. That would depend on the refugee numbers we have, and the kind of people who are available for processing. But the basic track for family reunification will be the immigrant route."

The USCC report notes two problems that would result from abandoning, or drastically curtailing, refugee family reunification. First, such a change would result in "a near total shutdown of the primary channel...for achieving family reunification." About two-thirds of all family reunification cases entering the United States via ODP have come as refugees.

The second problem raised by the report is that delays built into the U.S. immigration system would force some people to wait several years in Vietnam before their visa numbers became current and they were allowed to enter the United States. People who have applied for exit permits in Vietnam are often treated as "virtual expatriates" by the authorities, according to the report. Many have lost their jobs, homes, food rations, and educational opportunities because they have "given notice that they do not intend to be around for Vietnam's future."

Changes in ODP family reunification criteria "would blindside the people who have already come forward and applied for exit permits on the correct assumption that they were currently eligible for the program," one of the contributing authors of the study told Refugee Reports.

While the USCC report expresses support for increased use of immigration visas for family reunification, it recommends that "future ODP policy continue to include a component for family reunification via refugee processing."

The report further recommends that any changes in U.S. policy should not "retroactively apply more restrictive criteria" on those still in Vietnam who have already been granted exit permits. It cited one "general and rather disturbing indication of the official U.S. stance" regarding exit-permit holders. In an October 1986 letter to USCC, the director of the U.S. Orderly Departure Program in Bangkok wrote, "I do not feel we should feel compelled to take someone simply because of the treatment they

ORIGINS OF THE ORDERLY DEPARTURE PROGRAM

The idea for a legal and orderly means of departure from Vietnam was brought up in December 1978 at a U.N.-sponsored conference in Geneva attended by 37 countries to address the "boat people" crisis. More than 100,000 Vietnamese had already fled their country by sea and were living in crowded and desperate conditions in refugee camps dotting the islands and coastlines of Thailand, Malaysia, Indonesia, Hong Kong, and the Philippines.

Because the United States and Vietnam lack diplomatic relations, negotiations for the program were carried out by UNHCR representatives in Hanoi. On May 30, 1979, UNHCR and the Socialist Republic of Vietnam signed a seven-point agreement outlining the basic mechanisms for the "authorized exit" of people wishing to leave Vietnam. According to the agreement, the program was for "family reunion and other humanitarian cases."

Since 1980, the U.S. ODP program has admitted about 34,000 Vietnamese as refugees, and 16,000 as immigrants. Under the Immigration and Nationality Act, immigrant visas are available in unlimited number to spouses, unmarried children under 21, and parents of U.S. citizens. Additionally, up to 20,000 persons per country are admissible each year through a seven-category preference system.

Refugees in the ODP program must meet criteria in one of three basic categories. The first category, refugee family reunification, includes family members of persons in the United States who are not currently eligible for immigrant visas. Examples are spouses and unmarried sons and daughters of permanent resident aliens, and brothers and sisters of U.S. citizens.

The second refugee category covers former employees of the U.S. government. The third category is for other persons closely associated with the U.S. presence in Vietnam prior to 1975. This includes former military, employees of U.S. businesses and voluntary agencies, political prisoners, and Amerasian children.

The annual admissions ceiling for refugees entering the country via ODP is 8,500 for FY 87.

are receiving from their own government for applying to our program. To do so would be to maintain even less control over ODP than we now have."

The issue of control, or "reciprocity" as it is sometimes called, has plagued the Orderly Departure Program from the outset. The U.S. ODP offices in Bangkok contain files of some 700,000 applications for the program. Lists containing thousands of names are exchanged and reviewed regularly. Each government has its own priorities and political limitations.

Somewhere in the middle of all this are the names of Hung Tran's wife and two young sons. A former U.S. government employee in Vietnam, a reeducation camp prisoner, a boat refugee in 1980, and now a U.S. citizen, Tran (not his real name) has been trying since 1982 to get his wife and children out of Vietnam. In this case, his family's names are on a U.S. list, but the Vietnamese will not give them exit permits. "Both sides seem to have stopped treating this as a humanitarian program," he said. "I feel my family is being held hostage to political concerns."

(Copies of the report, The Orderly Departure Program: The Need for Reassessment, are available for $6.00 each from Migration and Refugee Services, U.S. Catholic Conference, 1312 Massachusetts Ave., NW, Washington, DC 20005. (202) 659-6618.)

Update

° On January 9, the Washington, D.C. Circuit Court of Appeals agreed with the government in its move to dismiss a suit brought by the Haitian Refugee Center against the Reagan Administration's Haitian interdiction program. The suit began in 1981 when President Reagan ordered the Coast Guard to seize certain Haitian boats and return would-be emigrants to Haiti. The Haitian Refugee Center had charged that the interdiction program had violated the Haitians' rights. Two of three judges on the Court of Appeals held that the Haitian Refugee Center lacked standing to sue.

° On December 31, the Bangkok Post reported that Vietnamese troops shot and killed 43 Hmong trying to cross the border into Thailand at Nong Khai Province. Survivors said that a Vietnamese platoon opened fire on a group of 76 people trying to flee from Laos. Of the group, which included women and children, 19 reached Thailand; 14 were captured by the Vietnamese. The Post reported that the survivors--9 men and 10 women--have since crossed back into Laos "to take revenge on the Vietnamese." The leading Lao daily, PASASON, called the report an "utterly groundless fabrication."

° On November 14, a total of $137.2 million was pledged for UNHCR's 1987 programs by 34 governments, an increase of $44.9 million over last year's pledges. Although six fewer governments contributed, many major donors increased their pledges. The United States pledged $68.8 million for the UNHCR general program.

° The 1986 Nansen Medal, the foremost award for refugee protection, has been awarded to the people of Canada. It is the first time that the Nansen Medal has been awarded to an entire nation. Canada will donate the $50,000 prize to UNHCR to train refugee women in Africa.

° Polish nationals residing in the United States have been accorded a further six month renewal of "Extended Voluntary Departure," a temporary stay of deportation granted at the discretion of the Attorney General. Some 7,000 Polish nationals are believed to be affected by the EVD renewal, which expires on June 30, 1987.

° On January 20, Rep. Joe Moakley (D-Mass.) introduced a bill (H.R. 618) providing a temporary stay of deportation--Extended Voluntary Departure--for Salvadoran and Nicaraguan nationals in the United States. The bill is similar to one introduced in the 99th Congress which passed the House as an amendment to the immigration reform bill. The amendment was omitted, however, in the Senate/House conference committee's final version of the bill.

On the same day, Sen. Dennis DeConcini (D-Ariz.) introduced a similar measure (S. 332) calling for a temporary stay of deportation of Salvadorans pending the outcome of a GAO study. The DeConcini bill does not refer to Nicaraguans. In a press conference, DeConcini said that he wanted to

introduce a bill identical to the one he introduced in the last session of Congress, but that he would not object to including Nicaraguans at some later point.

° Effective December 12, 1986, employment is authorized for members of nationality groups granted blanket extended voluntary departure (EVD), according to a notice from the Immigration and Naturalization Service (INS) published in the December 12 Federal Register. This authorization applies to Ethiopians, Afghans, and most Poles, according to INS officials. Ugandans, and others for whom EVD has expired as a group, but who remain in the United States following an INS review of their individual cases, are not eligible for the benefits of this rule. Individuals not covered by the rule may still apply for work authorization through INS district offices, however. The rule provides employment authorization by adding a new paragraph to 8 CFR 109.1 of the Code of Federal Regulations.

° The INS has agreed to reinstate work authorizations that had earlier been wrongfully revoked for Haitians in Florida, in a September 29 settlement of a class action complaint. The settlement also required the State of Florida to reimburse the Haitians for periods when they had been denied unemployment compensation. An estimated 1,000 Haitians, mostly agricultural workers, are involved. The Haitians had come to the attention of the INS through Project SAVF--Systematic Alien Verification for Entitlement (see Refugee Peports, Vol. VII, No. 9). INS and Florida also agreed not to operate SAVE in a discriminatory manner.

° Since the signing of the Immigration Reform and Control Act on November 6, the number of aliens apprehended at the Mexican border for attempting to enter the United States without proper documentation has dropped dramatically. Following a marked decline in apprehensions in November and December, INS officials surmised that increased border patrols and a higher than normal water level for the Rio Grande river were both factors contributing to the drop. "We'd like to think this is the beginning of a trend," INS Commissioner Alan C. Nelson told the Los Angeles Times, "but it is too early to make that judgment."

° The INS has issued preliminary advice to aliens and employers regarding the pending implementation of the Immigration Reform and Control Act of 1986.

Aliens with a prima facie case of eligibility for legalization or a nonfrivolous claim to special agricultural worker (SAW) status are urged not to leave the country unless granted advance permission by INS. Those with prima facie or nonfrivolous claims to legalization or SAW who are under deportation orders or voluntary departure will not be required to leave, according to the notice. The application period for legalization begins on May 5, 1987, and lasts one year. However, aliens who were apprehended or issued an order to show cause after November 6, 1986, must apply for legalization within thirty days of May 5, 1986 or within thirty days of apprehension or show-cause order, whichever day is latest. SAW applicants apprehended or issued a show-cause order after November 6, 1986 must also apply within thirty days of arrest or show-cause order date, whichever is latest. The application period for SAW will be eighteen months beginning on May 5, 1987.

INS also urges aliens to begin collecting documentary proof of residence in the United States since January 1, 1982. These documents include employment-related papers, utility bills, school records, medical records, and rent receipts. Those submitting false documents face severe penalties including fines and imprisonment. "Only INS can legalize your status," the notice says, warning aliens to avoid persons who claim they can obtain legalization benefits for a fee. "INS will designate qualified organizations authorized to provide assistance," according to the notice, and aliens should "watch and listen" to see which agencies or individuals are selected.

° Michael Myers has recently resigned as Washington Representative of the Immigration and Refugee Program of Church World Service to become Counsel for the Senate Subcommittee on Immigration and Refugee Policy. Myers has been active in Church World Service refugee programs since 1975, and will be replaced in Washington by Kay Bellor.

Recent Developments

ADMINISTRATION REQUESTS LARGE BUDGET CUTS FOR FY 88 REFUGEE PROGRAMS

On January 5, the State Department and the Department of Health and Human Services submitted proposed refugee program budgets for FY 88, showing reductions of $33 million and $87 million, respectively. The State Department cuts could reduce the FY 88 refugee admissions ceiling by as much as 10,000.

The admissions ceiling for this year is 70,000, which includes an unallocated reserve of 4,000 for unanticipated refugee needs. Regional reductions caused by the budget cuts will subtract 5,000 from the Southeast Asia ceiling, 2,500 from Latin America, 1,000 from the Soviet Union and Eastern Europe, 1,000 from the Near East and South Asia, and 500 from Africa (see chart below).

The State Department has requested $314 million for migration and refugee assistance funding in FY 88, down from $347 million in FY 87. The most substantial cut in any single account is a $15 million reduction in funds to support the migration of Jewish refugees to Israel. The emigration of Soviet Jews has dropped to little more than 1,000 per year, according to State Department figures.

Cuts totalling $14 million were also requested for admissions programs, which include refugee processing in first asylum countries, transportation, overseas English language and cultural orientation programs, and reception and placement grants to voluntary agencies in the United States.

No additional funding has been requested for emergency refugee and migration assistance in FY 88. That contingency fund currently has about $20 million, an amount that State Department officials consider sufficient for the coming year.

The Office of Refugee Resettlement (ORR) in the Department of Health and Human Services, meanwhile, has proposed refugee program cuts amounting to $87 million (see chart below). ORR plans to save $45 million by reducing the number of months for which it subsidizes the states' share of costs for refugee cash and medical assistance.

For FY 88, ORR plans to reduce from 31 to 24 months the period for which it will cover the state share of AFDC (Aid to Families with Dependent Children) and Medicaid. For those refugees who do not meet family composition criteria for AFDC and Medicaid, but who are still eligible for refugee medical assistance programs, ORR will reduce the period of 100 percent Federal reimbursement to states from 18 months to 12. An ORR press release on the proposed budget notes that these reductions should provide states with "stronger

Refugee Admissions

Region	FY 1986 Actual	FY 1987 Estimate	FY 1988 Request
East Asia, 1st Asylum	36,954	32,000	27,000
East Asia, Orderly Departure Program	8,500	8,500	8,500
Subtotal	45,454	40,500	35,500
USSR/Eastern Europe	9,500	10,000	9,000
Near East/South Asia	5,998	8,000	7,000
Western Hemisphere	173	4,000	1,500
Africa	1,315	3,500	3,000
TOTAL	62,440	66,000*	56,000

*FY 1987 consultations ceiling includes additional 4,000 unallocated numbers in reserve, which are not funded.

incentives" to assist refugees in achieving self-sufficiency as soon as possible after their arrival.

ORR anticipates an additional $14 million in savings by capping state administration costs at the lowest of three possible rates: the ORR administration rate, the state AFDC administration rate, or the national AFDC administration rate. A budget official with the Family Support Administration in HHS told Refugee Reports that he expects states may fight this proposed cap.

The FY 88 budget for social services will also be reduced from $69 million to $45 million. The official said this proposed reduction is based on the lower projected refugee admissions levels for the coming fiscal year. An additional reason, according to the official, is that the social services budget has been "frozen" for four years at roughly the FY 83 funding level, when the refugee admissions ceiling was 90,000. This level was maintained through four years of funding under continuing resolutions.

Cuts amounting to $2 million each have been proposed for the voluntary agency matching grants program and the preventive health programs.

The refugee reauthorization act, passed in October 1986, deleted funding authorization for the targeted assistance program for FY 88. The act also transferred budget authority for education assistance programs to the Department of Education (see story p. 12).

ORR Refugee and Entrant Assistance Program: Proposed Budget for FY 88

(Budget Authority in millions)

	1986	1987	1988	Change
Cash and Medical Assistance.....	$225	$225	$180	-$45
State Administration.....	34	34	20	- 14
Social Services.....	68	69	45	- 24
Voluntary Agency Programs.....	4	4	2	- 2
Targeted Assistance.....	48	--	--	--
Preventive Health.....	8	8	6	- 2
Total Budget Authority.....	$387	$340	$253	-$87

AFGHAN REFUGEES PUSHED AND PULLED, BUT APPEAR TO STAY PUT

Events in December and January have introduced an element of uncertainty into the lives of Afghan refugees in Pakistan, who, until now, have remained in a relatively stagnant situation during the preceeding seven years of exile.

In December, at least 200 people were killed and thousands injured and arrested in intercommunal violence involving Pathans --many of whom were identified as Afghan refugees. A series of attacks and counter-attacks escalating into full-scale rioting occurred in Karachi between Pathans and Muhajirs, an Urdu-speaking minority itself comprised of refugees from the 1947 partition of India and Pakistan. Government troops swept through Karachi rounding up about 20,000 Afghan refugees and moving them into tents on the outskirts of the city. Some 2,500 shelters housing Afghan refugees were bulldozed. It was reported that they would be moved to camps closer to the border.

Although most of the reported conflict occurred in the Sind and Baluchistan provinces, 75 percent of the Afghan refugees are located in the Northwest Frontier Province, where the local host community is also predominantly Pathan. During this past spring, however, tensions were high there as well because of a rash of terrorist bombings which threw urban centers such as Peshawar into turmoil.

The bombings created a wedge between Afghan refugees and local residents. Until these events, the refugees had become an integral part of Peshawar, nearly doubling the city's population and creating an economic boom. The bombings, however, caused

Pakistan security forces to remove groups of Afghan refugees from the city.

Many saw the terror campaign as an organized effort by Afghan secret police to sow fear and instability in order to lessen Pakistan support for Afghan refugees and resistance groups.

Following the accession to power of Najibullah in 1986, there has also been a marked increase in the number of Afghan border violations. Targets of cross-border shellings and bombings have included refugee camps.

Najibullah Issues Call for Return of Refugees Added to the pressures within Pakistan has been a concerted effort by the Soviet-backed Afghan regime to seek the return of the refugees. For the first time in the seven-year war, the Afghan regime has unilaterally declared a ceasefire.

In a January 15 speech, Najibullah appealed to the refugees to return home, saying, "Afghanistan should and will become the common homeland of all our compatriots living all over the world." The Afghan leader announced a series of incentives to encourage refugees to return, including a one-year moratorium on land tax collection and a six-month exemption from military service. He also announced a blanket amnesty for prisoners serving sentences of less than five years.

A January 16 Christian Science Monitor report, datelined from Paris, said that hopes of returning home have spread among the three million refugees in Pakistan in the aftermath of the Najibullah speech. The report cited observers as saying that "some guerrilla, village, tribal, and even Peshawar-based leaders may accept Kabul's offer."

Sources in the United States close to the the Afghan refugee population told Refugee Reports they disagreed. "I don't think people who fled would be deceived," said Abdul Haqiqi, of the National Islamic Council of Afghan Immigrants in America and an official of the Afghan Ministry of Finance from 1973 to 1979.

Mohammad Akbar Andkhoie, formerly director general of the Afghanistan Bureau for Census and currently an employment counselor for the New York Afghan Mutual Assistance Association, said, "Najibullah martyred more than a million Afghans, and everyone knows he has blood on his hands. No one will follow his trick to bring division to the resistance." Andkhoie said that the refugees would follow the lead of the resistance leaders in Peshawar, Pakistan.

In Peshawar, the leaders of the seven main resistance groups held an unprecedented rally on January 17 to denounce the Najibullah initiative. Far from sowing disunity within refugee ranks, Najibullah's move appears to have unified--at least temporarily--the notoriously fragmented opposition.

Pakistan's Commissionerate for Afghan Refugees said that "only a few" refugees had repatriated, according to the Washington Post. As of January 18, Najibullah himself had acknowledged the return of only 120 families and 2,500 resistance fighters.

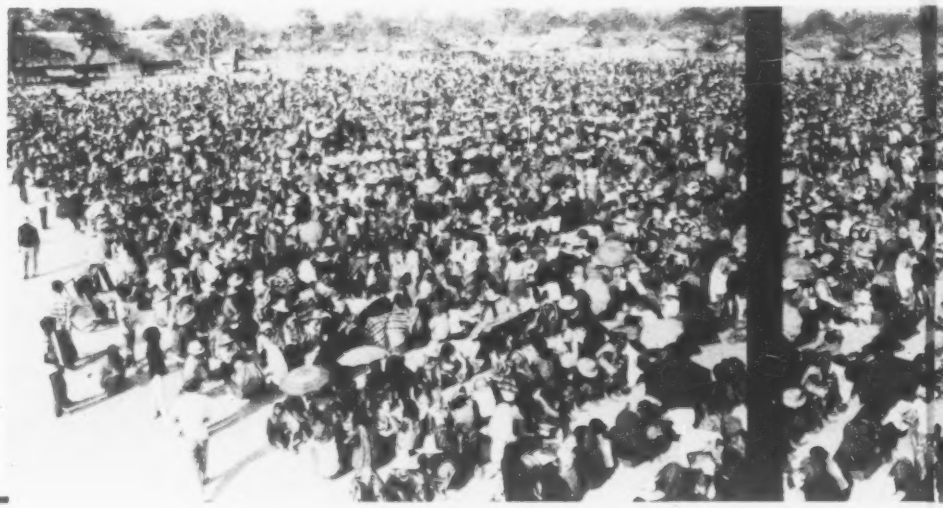
Although the moves by the governments of Afghanistan and Pakistan--especially when taken together--leave the impression that Afghan refugees face increased pressure to return home, informed observers say such a conclusion is not warranted at this time.

"They would never be able to be forcibly repatriated," said Henry Kriegel, acting executive director of the Committee for a Free Afghanistan. Although Kriegel noted that Pakistani President Zia al-Haq is feeling increasing pressures, both political and economic, he said, "I would hope that he would see through Soviet efforts to exploit the refugees to bring about a more favorable negotiated settlement.

THAILAND CLOSES KHAO I DANG, PLANS GRADUAL RELOCATION TO THE BORDER

The Khao I Dang camp for Cambodian refugees was officially closed on December 31, 1986, but according to U.S. refugee officials in Washington and Bangkok, Thai authorities do not plan to move legal residents to Cambodian border camps for at least six months. This contradicts several recent news stories that had reported a more rapid evacuation of Khao I Dang.

In a press release dated the day of the closing, the Thai government cited "the growing number of illegal entrants and the



Cambodians in Site 2 line up for a head count.

Photo Credit: Bill Burke

slow rate of resettlement in third countries" as reasons for closing Khao I Dang. Its closure "will remove false hope of eventual resettlement" that had been drawing a steady flow of illegal arrivals into the camp.

One unresolved issue in Khao I Dang's closing concerns the status that former camp residents will have once they are moved to the border. Currently, all of the Cambodians along the border have been designated by the Thai government as "displaced persons" rather than "refugees." As such, they are not allowed to apply for resettlement. However, a U.S. refugee official in Thailand suggested that the Thai government is willing to show some "flexibility" on this and may allow continued access for resettlement processing to at least some of the Khao I Dang residents who are moved to the border.

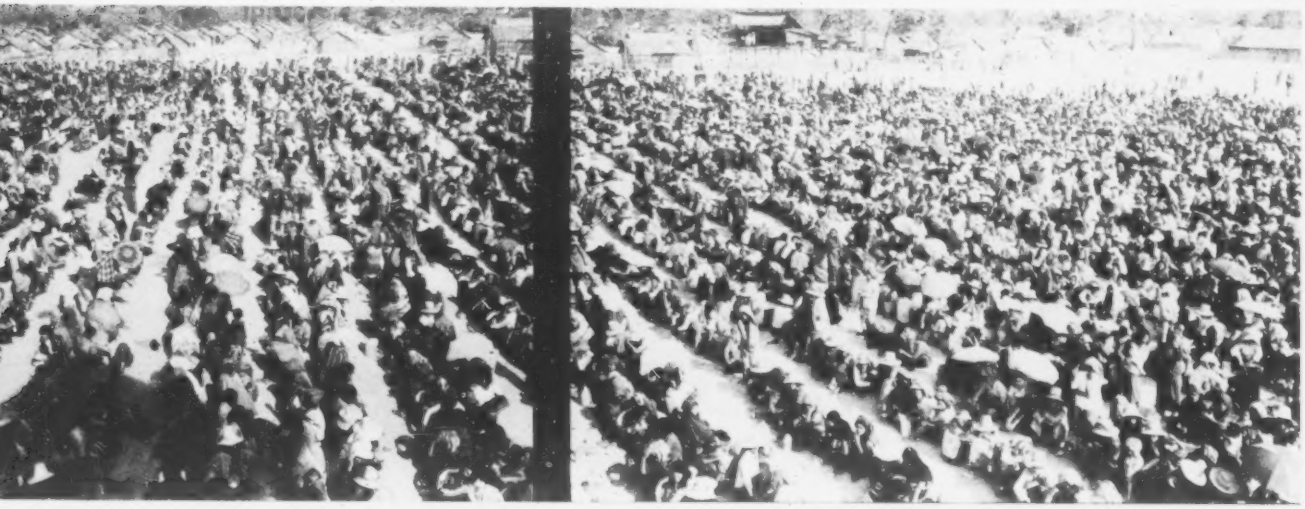
In a December 29 press conference, Prasong Soonsiri, secretary general to the prime minister of Thailand, outlined plans to relocate Khao I Dang residents in phases. First to go will be more than 300 "illegal" arrivals, who entered the camp within the last year. This group will be moved to Site B, a border encampment in Surin province that is controlled by Cambodian resistance forces loyal to Prince Norodom Sihanouk. Site B currently has a population of around 40,000.

The second group to be moved from Khao I Dang are the so-called "ration card holders," 7,100 Cambodians who entered the camp between August 1984 and October 1985. They are considered legal residents of Khao I Dang and are eligible to receive food rations and other basic camp services.

Until recently, Thai authorities had not allowed ration card holders to be interviewed for third-country resettlement. However, in a December 1º meeting with U.S., Canadian, and Australian delegations, a senior member of the Thai National Security Council indicated that ration card holders with family members among the other two legal resident groups in Khao I Dang would be permitted to be interviewed by third countries.

A U.S. refugee official in Thailand said it is likely that the ration card holders will be allowed to remain in Khao I Dang for as much as six to eight more months. Prasong indicated that the group, and all other legal camp residents, will be given a choice of moving either to Site B or to Site 2, a border camp of more than 140,000. Site 2 is under the control of the KPNLF, or Khmer People's National Liberation Front, a noncommunist resistance faction led by Son Sann.

The last to be moved from Khao I Dang are those who have been there the longest. This includes about 3,000 "family card holders" who arrived between 1982 and 1984, and about 15,000 of the original residents, many of whom have been in Thai refugee camps for six years or more. Most of the original residents have been rejected for resettlement by at least one country.



In the December 19 meeting, a Thai official indicated that these two groups will be allowed to stay in Khao I Dang for at least 12 to 15 months.

Several voluntary agency officials have expressed hope that resettlement countries, and particularly the United States, will use the period to increase refugee processing for Khao I Dang residents in the coming months.

"I look at this present grace period as a last-gasp opportunity," said Robert DeVecchi, director of the International Rescue Committee. "I am in favor of processing the ration card and family card holders, and I also think the U.S. needs to take a new look at the rejected caseload."

INS PROPOSES RULE CHANGE ON ADMISSION OF REFUGEES

Some individuals who are admissible to the United States as immigrants may no longer be permitted to enter as refugees, according to a rule change proposed by the Immigration and Naturalization Service (INS) in December 1986. Several refugee advocacy groups have expressed concerns that the change could serve to undermine refugee status as outlined in the Refugee Act.

The proposed rule, published in the December 12, 1986 Federal Register, would amend federal regulations to the effect that "any applicant for refugee status... who may be eligible for classification under [the immigrant preference system of the Immigration and Nationality Act], and for whom a visa number is now available or may become available within twelve months, shall not be admitted as a refugee unless the Attorney General has determined that it is in the public interest."

Current INS regulations already preclude refugee processing for persons who qualify as immediate relatives and special immigrants. Immediate relatives are defined by INS as spouses, parents, and unmarried children under 21, of U.S. citizens. The proposed rule change would extend that principle to other relatives who fall into certain of the seven preference categories established by the Immigration and Nationality Act.

It is likely that the change primarily would affect the married and unmarried sons and daughters of U.S. citizens (the first and fourth preference categories). Spouses and unmarried sons and daughters of permanent resident aliens (second preference category) would continue to be eligible to enter the country as refugees.

"The proposed rule is inconsistent with the Refugee Act," according to Arthur Helton of the Lawyer's Committee for Human Rights. Helton argues that the rule "would create a category of refugees who could be deprived of protection via admissions on grounds unrelated to the provisions and purposes of the Refugee Act." He indicated that the use of immigration alternatives

for refugees "may be relevant on a case-by-case basis," but the presence of family in the United States should not become a "categorical barrier" to admission as a refugee.

Robert Rubin of the Lawyers' Committee for Urban Affairs in San Francisco expressed concern that the determination that an applicant "may be eligible" for an immigrant visa "could be made solely because the individual has a close relative in the United States without regard to whether that relative will actually be able to sponsor the applicant." Rubin noted that a number of relatives may not be able to meet the financial criteria necessary for filing affadavits of support, and would thereby be rejected for an immigrant visa. He suggested that the rule be amended to apply only to applicants "who have approved visa petitions."

Both Rubin and Helton were critical of the delays that might be imposed on the entry of refugees into the United States if they are required to wait up to 12 months for their visa number to become current. Rubin recommended that "a visa number be 'immediately available' before one is forced to forego refugee processing."

Public comments on the proposed rule change were due at INS by February 10. An INS official told Refugee Reports that the agency would not discuss the rule until all comments had been received and reviewed.

ADMINISTRATION SEEKS FUNDING FOR ALTERNATIVES TO BILINGUAL EDUCATION

The Reagan administration submitted a legislative proposal to Congress on January 15 to lift the 4 percent limit on bilingual education program funding for alternative methods of instruction, such as English-as-a-second language (ESL).

Secretary of Education William J. Bennett outlined the proposal in a January 15 speech to the Texas Education Conference in San Antonio. "Our reforms would restore to the Bilingual Education Act a respect for flexibility as to the best means of teaching English," he said. "They would restore the Act's original respect for local autonomy."

Under the current law, 96 percent of the $143 million federal bilingual program is restricted to native language instruction (see Refugee Reports, Vol. VII, No. 1). Bennett said that greater flexibility in instructional approaches would better enable children to achieve rapid fluency in English.

The proposal has caused some concern, especially among the Hispanic community, as a perceived attack on the bilingual education program. Raul Yzaguirre, president of the National Council of La Raza, one of the largest national Hispanic organizations, said, "The secretary of education is once again attempting to render ineffective the bilingual education program."

Rep. Robert Garcia (D-NY), a member of the Congressional Hispanic Caucus, said, "Eliminating the cap would be the first step toward eliminating the bilingual education program." Garcia said the proposal is "not so much flexible as it is ideological."

Bennett's choice of the San Antonio conference, cosponsored by, among others, the League of United Latin American Citizens (LULAC), demonstrated his awareness of Hispanic sensitivity about the program. He told the conference, "Our reform has been portrayed as an attack on bilingual education. This is false." He told the largely Hispanic audience, "Our intention is neither to promote one instructional method at the expense of another, nor to belittle or diminish any culture or heritage."

He said that research has been inconclusive about the most effective methods of instruction for students with limited English proficiency. He said, "We believe that where research does not dictate one method, the federal government should not dictate either."

Bennett said that another incentive for allowing more diversity in methods of instruction and greater latitude for local choice of teaching methods is the increasing linguistic diversity of school populations. "For many districts," he said, "indeed for many schools, teaching students of limited English proficiency is not simply a matter of teaching English to 200 students speaking Spanish or French or Chinese. Rather, in a single school there will be students with a dozen different linguistic backgrounds." He pointed out that in Fort Worth, Texas, students speak not just Spanish, but also Khmer, Laotian, and Polish.

Education Department Requests Return of Funds Appropriated for Immigrant and Refugee Education Almost simultaneously with the San Antonio speech and legislative proposal, the Department of Education called for the rescission of nearly $46 million in FY 87 funding for immigrant and refugee education. Department of Education sources said that they had never requested emergency immigrant aid and believed it duplicates services already funded through Title VII of the Elementary and Secondary Education Act.

Unlike the remainder of federal funding for bilingual education, the appropriation for refugee and immigrant children had been exempt from the 4 percent cap in alternative instructional methods. Local educational agencies funded through the immigrant and refugee education programs had been free to determine the instructional methods they thought most suitable, most of which did stress ESL methods over transitional bilingual education. The new legislative proposal essentially would give the same latitude to local educational agencies as had been enjoyed by those schools that had been funded to teach immigrant and refugee children.

FIRST CUBAN DETAINEES PAROLED FROM OAKDALE

Twenty Cuban detainees have been paroled out of the Oakdale, Louisiana, detention facility and into a halfway house in Detroit, Michigan, according to Justice Department and Bureau of Prisons officials. Others are being reviewed for parole as well. Nearly 350 Cuban detainees have arrived at Oakdale since November and another 200 are expected.

Most of the Cubans at Oakdale have violated previous paroles, Justice officials said. They were previously in the Atlanta federal prison, state and local jails, and Immigration and Naturalization Service (INS) processing centers throughout the nation. All are males in their twenties or thirties, according to Ray Rowe, associate warden at Oakdale.

Five halfway houses participate in the program, which began in 1981, according to Fran Eno, of the Justice Department's Cuban/Haitian Entrant Program. Each month a parole committee, consisting of Justice Department and halfway house personnel, "look for people who have an orientation for improvement," and for those who are "inclined toward employment," Eno said. Participation in educational programs such as ESL is favorably viewed, but "it also depends on how a person comes across," she said. Other factors play a role as well, she said, including a detainee's educational level, family ties in the United States, and performance during his past parole. Detainees are also evaluated for antisocial behavior by a unit of the Public Health Service.

Those granted parole spend the first four months as halfway house residents. When employment is found, parolees are placed in the community. "Technically, they owe one year to the INS district director," Eno said. Those who violate the program enter an uncertain legal status, she said.

A number of non-Cuban undocumented aliens remain at Oakdale, awaiting changes of venue or appeal decisions, Rowe said. Several hundred have already been released on bond, deported, or moved to INS processing centers. He said he did not know when those remaining would leave. Meanwhile, contruction proceeds inside Oakdale on the 160-bed Mental Health unit, which will replace the existing unit in the Atlanta federal prison.

Projects and Programs

RCA TRAINS REFUGEES IN EMPLOYMENT SKILLS

Refugees in New York City have the opportunity to train for office jobs through a program of the Radio Corporation of America Government Services.

Although RCA has been involved in business training since World War II and has been active in teaching vocational English as a second language (VESL) for more than ten years, its work specifically with refugees started several years ago with federal funding through the Targeted Assistance Program.

The office skills training program, currently funded through the City of New York's Job Training Partnership Act (JTPA), offers 50 refugees a six month, six-hour-a-day

course to learn skills such as bookkeeping and to polish their English. "We take refugees in dead-end jobs and train them for promotable jobs," said Katherine Quinones, VESL coordinator for RCA Government Services.

"We have learned in working with refugees for three years that training in use of the phone is just about the hardest thing," Quinones said. She said that RCA has had much better success in working on math-related job skills, and now emphasizes training on microcomputers and in automated accounting. "We have been able to place refugees with Wall Street brokerage firms and other areas of financial services," she said.

A major obstacle for job placement has been the lack of "checkable" job experience, according to Quinones. In order to strengthen resumes and obtain good job references, RCA encourages the refugee-students to take unpaid internships with area companies during the training period. "The companies have been extremely cooperative," she said, noting the well-deserved reputation of refugees "to work harder than anybody."

For more information, contact RCA Government Services at 221 W. 41st St., New York, NY 10036. (212) 398-8985.

Meetings and Conferences

° The Immigration Reform and Control Act of 1986 will be the theme of the third annual immigration law conference to be held at the Tulane Law School, New Orleans, Louisiana, February 25, 26, and 27. The conference will operate on a two-track system for basic and advanced levels, and will include sessions on asylum, deportation, and legalization. For further information, contact Tulane Continuing Legal Education, 6325 Freret Street, New Orleans, Louisiana 70118. (504) 865-5900.

Resources

AFGHAN CHILDREN VICTIMIZED BY WAR

Seven years of fighting has produced a new generation of Afghan children marked by the scars of war. These children, often orphaned, wounded, exploited, or displaced, are the subject of a new report from Helsinki Watch/Asia Watch.

To Win the Children: Afghanistan's Other War is based on three fact-finding missions to the Afghan border in the past two years and reflects interviews with hundreds of Afghan refugees. Excerpts from childrens' testimonies, together with photos of those being interviewed, give the publication a personal tone.

"Many Afghan children," the publication reports, "have become refugees within their own country, driven from their homes and villages and herded into cities where they live confused and impoverished lives. Millions more have made the arduous journey to Pakistan, where they live in camps, without purpose or direction. Many of the children have had to walk for weeks or even months before finding refuge. They are without possessions, tired, often hungry. They bear visible scars of war: wounds, burns, amputated limbs, blindness."

The report documents the use of booby-trapped toys that maim and kill children. It acknowledges that the practice of using toys to kill is so outrageous an idea as to seem incredible, yet it concludes, "Helsinki Watch has received scores of testimonies about such weapons, from credible witnesses who often had no notion of the significance of what they were reporting."

Beyond the obvious physical effects of war shown on the faces and bodies of the Afghan children, the report also discusses the emotional and psychological toll. The report highlights several cases of children at the Psychiatry Center for Afghans in Peshawar suffering from psychosomatic disturbances, depression, nightmares, behavior disorders, and hyperactivity traced to the trauma of war and emigration.

Although children are almost by definition civilians, the report shows how in Afghanistan they are used as spies and assassins. Several captured child spies are interviewed in the report. Also featured is the program of sending an estimated 2,000 Afghan children per year to the Soviet Union for training and indoctrination. Although some of the children go voluntarily with the blessings of their parents, the report charges that others "have been taken from their homes by agents

of the secret police or seized on the streets, never to be seen again."

To Win the Children is available for $10 from Helsinki Watch, Box A, 36 W. 44th St., New York, NY 10036. Also available from Helsinki Watch are "Tears, Blood and Cries" Human Rights in Afghanistan Since the Invasion: 1979-1984, for $10, and To Die in Afghanistan, for $8.

NEW BOOK PUBLISHED ON THE KHMER ROUGE REVOLUTION IN CAMBODIA

Elizabeth Becker has called herself "the only Westerner to witness Cambodia in all of its recent stages of misery." As a reporter for the Washington Post, Becker covered the war in Indochina for two years. Later, in December 1978, she was one of two Western journalists allowed to visit Cambodia while Pol Pot and the Khmer Rouge were in power. Two days after she left Cambodia, the Vietnamese invaded. Becker since revisited the country in 1983 while it was under Vietnamese occupation.

Her book, When the War Was Over: The Voices of Cambodia's Revolution and its People, published in 1986 by Simon and Schuster, is the result of seven years of writing and investigative research. Part narrative, part history, part personal testimony, the book offers a "cautionary tale" of how a totalitarian, racist, and insanely brutal regime came to power in 1975 and launched a revolution that was to leave more than one million Cambodians dead in the wake of its fury.

Outside of Cambodia, the regime became known as the "Khmer Rouge," and its leader, as Pol Pot. Inside Democratic Kampuchea, as the country was renamed, the people submitted to the "Angka," the "Organization." A saying was often repeated, "Angka has as many eyes as a pineapple and cannot make mistakes."

Angka did have many eyes, but as Becker points, out all of them were blind to the huge mistakes of the revolution. Only hours after Phnom Penh fell to the Khmer Rouge on April 17, 1975, the people were ordered to leave the city immediately. Almost overnight Phnom Penh became a ghost town. Cambodia had begun its withdrawal not just from the international community but "in fact from the twentieth century."

Elizabeth Becker describes her book as an attempt to tell "the full story" of "who the Khmer Rouge are, how they fit in their own country's history and in the communist movement, how and why they imposed such a destructive revolution in Cambodia, and how that revolution led to war with Vietnam and Vietnam's occupation of Cambodia."

In charting the rise of the Khmer Rouge, Becker does not dismiss the "self-serving maneuvers and miscalculations" of foreign powers, particularly the United States and Vietnam. But she argues that "while the United States and Vietnam do share responsibility for much of Cambodia's sorrows, ultimately Cambodians were the victims of their own leaders and their own traditions and history." She traces the long history of "quarrelsome, despotic rulers" beginning with Jayavarman VII, the builder of the awesome temples of Angkor Wat. Within this ancient tradition of the "god-king", the "brief and corrupt experiment of Lon Nol's Khmer Republic and the false democracy of Sihanouk barely mattered." The Khmer Rouge, argues Becker, were "the heirs of the worst in Cambodia's past."

SOURCEBOOK TRAINS BILINGUAL EDUCATORS

Bilingual Education: A Sourcebook, a comprehensive resource for professionals involved in bilingual education, provides not only training materials, but also a basis for understanding the pedogogical and political contexts within which bilingual education in the United States now operates.

In addition to presenting models and materials for teaching and testing for such components of bilingual programs as reading, bilingual vocational education, English-as-a-second-language, and special education, the book also provides historical background, legal issues, and even a section on "antibilingualism."

Each chapter includes references and annotated bibliographies. Appendices list curriculum materials, organizations, and journals in the field.

The 340-page clothbound reference text is available for $50 from Garland Publishing Company, 136 Madison Avenue, New York, NY 10016. (212) 686-7492.

Orderly Departures From Vietnam

(Source: UNHCR)

Country	FY 80/81	FY 82	FY 83	FY 84	FY 85	FY 86	Total
U.S.	2,330	4,260	6,708	12,708	13,871	10,541	50,418
Canada	1,412	2,252	2,471	7,404	6,547	3,768	23,854
France	5,580	2,680	1,897	1,431	1,263	1,049	13,900
West Germany	1,065	1,214	1,306	1,931	1,206	715	7,437
Australia	131	15	841	2,268	2,383	2,876	8,514
Belgium	815	643	449	367	189	83	2,546
U.K.	298	367	656	797	364	263	2,745
Sweden	535	266	213	202	103	127	1,446
Netherlands	228	118	143	224	158	68	939
Switzerland	354	104	99	110	36	36	739
Norway	49	115	95	283	208	117	867
Italy	146	48	183	111	51	41	580
New Zealand	36	53	153	219	177	183	821
Austria	132	107	95	93	70	17	514
Others	305	230	322	192	169	130	1,348
Total	13,416	12,472	15,631	28,340	26,795	20,014	116,668

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